

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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OMAR MALCOLM, KARVEN ALCINDOR,  
ANTHONY APONTE, SHIRLENE BLAIR, DERYCK  
CHARLES, LATIF CORNELIUS, LANAE CURRY,  
JOSE DEJESUS, SHAKIYNA ESPINO, ROBERTO  
FERNANDEZ, VLAJEMY FRANCOIS, CRYSTAL  
GARNETT, CHANTEL GOUVEIA, APRIL HERNEY-  
KOSAKOWSKI, TAMELLE HILLIARD, YOLANDA  
HOLMES, MONIQUE JOHNSON, KEYSHA LEWIS,  
CAROLYN MARAJ, HUZIRAN MOZEB, ZHIHUI PU,  
DAVID RUDDOCK, MYRLINE ULYSSES, and BRICE  
WILLIAMS, individually and on behalf of all others  
similarly situated,

Case No. 20-CV-09641(ALC)

Plaintiffs,

- against -

THE CITY OF NEW YORK,

Defendant.  
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**[PROPOSED] ORDER GRANTING MOTION FOR CONDITIONAL CERTIFICATION  
AND NOTICE TO PUTATIVE PLAINTIFFS PURSUANT TO 29 U.S.C. § 216(b)**

Based on the memorandum of law dated August 23, 2021, the declaration of Paul A. Pagano (“Pagano Dec.”) dated August 23, 2021, and the exhibits thereto including the declarations of Plaintiffs, Plaintiffs’ motion for conditional certification and notice to putative plaintiffs pursuant to 29 U.S.C. § 216(b) is GRANTED, and the Court hereby:

- (1) Conditionally certifies this action as a representative collective action pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216, on behalf of all Assistant Deputy Wardens, Captains, and Correction Officers employed by the City of New York (“NYC”)/Department of Corrections (“DOC”) at Rikers Island at any time within the three year period immediately preceding the filing of the initial complaint in this action and up to the time certification is granted (“relevant time period”);
- (2) Requires that NYC/DOC produce a computer readable data file containing the following for each potentially similarly situated employee during the

relevant time period: name, last known mailing addresses, telephone number, private/work email address(es), work location(s), dates of employment, job title(s) held and date(s) on which each title was held during the relevant time period within ten (10) business days of this Court's order;

- (3) Approves the proposed FLSA notice of this action and the consent form annexed to the Pagano Dec. as Exhibit 1;
- (4) Directs Plaintiffs' counsel to send via first class mail and private email address said notice and consent form to each collective member within ten (10) business days of receipt of the data in (2) from NYC/DOC's counsel;
- (5) Directs NYC/DOC to send via work email address the notice and consent form to the collective members within ten (10) business days after NYC/DOC's provision of the data in (2);
- (6) Directs NYC/DOC to file an affidavit of compliance with the email requirement in (5) within ten (10) days of its compliance with same; and
- (7) Sets a period of sixty (60) days following the tenth day after NYC/DOC provides the data in (2) for the collective members to mail or email completed consent forms to Plaintiffs' Counsel.

**SO ORDERED:**

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U.S. District Judge Andrew L. Carter, Jr.

**Dated:** \_\_\_\_\_